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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,404	01/04/2002	Robert A. Southworth	647-015.02	7405

20874 7598 04/24/2003  
WALL MARJAMA & BILINSKI  
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SYRACUSE, NY 13202

EXAMINER

LAU, TUNG S

ART UNIT

PAPER NUMBER

2863

DATE MAILED: 04/24/2003

*Final Response Due*  
*7-24-03*

Please find below and/or attached an Office communication concerning this application or proceeding.

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APR 28 2003

WALL MARJAMA & BILINSKI LLP

# Office Action Summary

Application No.

10/037,404

Applicant(s)

SOUTHWORTH ET AL.

Examiner

Tung S Lau

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 8, 9, 12, 13, 18, 21, 23, 26 and 28 is/are rejected.
- 7) ☒ Claim(s) 4-7, 10, 11, 14-17, 19, 20, 22, 24, 25, 27, 29 and 30 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 8, 21, 2, 3, 9, 12, 13, 18, 23, 26 and 28 are rejected under 35

U.S.C. 102(b) as being anticipated by Crewe et al. (U.S. Patent 4,314,329).

Regarding claim 1:

Crewe discloses a method for making a timer module that performs a desired timer function, said method comprising the steps of: providing a programmable timer module having a power supply circuit (fig. 1, unit 28, 42), an output circuit (fig. 1, unit 46), and a programmable control circuit adapted to control at least one function of at least one of said power supply circuit (fig. 1, 55), and said output circuit; establishing a program builder system for building a timer operating program for transmission to said timer module (col. 5-6, lines 59-19, col. 14, lines 8-27), said program builder system adapted to build a timer operating program including a plurality of timer subfunction code segments (col. 14, lines 8-27) each corresponding to a different subfunction, wherein said program builder system includes a lookup table (col. 5, lines 35-58) correlating each of a plurality of timer functions with a specific set of said subfunctions,

wherein said program builder system is adapted to receive a timer function request input (col. 5, lines 35-53, col. 2, lines 10-43), and wherein said program builder system is adapted to build a subfunction ordering table based on said function request input and based on timer subfunctions correlated with said function request in said lookup table (col. 14, lines 8-27); presenting a function request to said program builder system so that said program builder system develops for incorporation into said timer operating program a subfunction ordering table in accordance with said function request input (abstract, col. 14, lines 8-27); and loading said timer operating program into said timer module (fig. 4).

Regarding claim 8:

Crewe discloses a timer module comprising: an output circuit ((fig. 1, unit 46); and a control circuit (fig. 1, unit 55) including a one-time programmable memory (col. 25, lines 53-67), said one-time programmable memory storing thereon an operating program for operating a timer (col. 25, lines 53-67), said program including: a plurality of subfunction code segments each of said subfunction code segments corresponding to a different timer subfunction (abstract); and a subfunction ordering table determining an ordering of subfunctions for execution of said subfunction code segments (col. 2, lines 10-45, col. 14, lines 8-27).

Regarding claim 21:

Crewe discloses a memory-conserving method for programming a plurality of processor-controlled timers using a low-cost processor system (col. 1, lines 29-44), wherein each timer is to have a different timer function (col. 5-6, lines 53-18), said method comprising the steps of: (a) defining each of said different timer functions in terms of a set of timer subfunctions (col. 5-6, lines 53-18); (b) creating a list of timer subfunctions (col. 14, lines 8-28), said list of timer subfunctions comprising the sum of all subfunctions defined in step (a) (col. 14, lines 8-28); 10 (c) developing a program code segment for each of said timer subfunction of said list created in step (b) (col. 2, lines 10-45, fig. 15); (d) loading each program code segment developed in step (c) into each of said plurality of timers (fig. 7, section 252); and (e) storing one of said subfunction ordering tables into each of said plurality of timers (col. 14, lines 8-28, col. 5-6, lines 59-18).

Regarding claims 2, 3, 9, 12:

Crewe discloses the method of program builder system is adapted to receive model number input, wherein said presenting step includes the step of presenting a timer model number to said program builder program (col. 14, lines 8-27), and wherein said program builder system is adapted to determine said function input request based on said model number input (fig. 3b).

Crewe discloses the method of program builder system is adapted to receive a model number input, wherein said presenting step includes the step of presenting

a timer model number to said program builder program (col. 14, lines 8-27),, and wherein aid program builder program is configured to determine said function request input by parsing characters from said model number input (fig. 3b).

Crewe discloses the module wherein said module is adapted for communication with a program builder system, wherein said subfunction ordering table is established using a program builder system in breakable communication with said timer module (fig. 4, unit 207, 209).

Regarding claims 13, 18, 23, 26, 28 :

Crewe discloses the module wherein said module is adapted for communication with a program builder system, wherein said subfunction ordering table is established using a program builder system in breakable communication with said time module, said program builder system having stored thereon a lookup table correlating timer functions with lists of subfunctions (col. 14, lines 28-49).

The module of claim 8, wherein said at least one of said plurality subfunction code segments is segments coaxially a subfunction selected from the group consisting of a "turn load on" and "turn load off" subfunction (fig. 1, unit 30, 32, 36).

Crewe discloses the method wherein said establishing step includes the step of making a program builder system, incorporating therein a lookup table correlating timer functions with subfunction ordering tables, and selecting one of said

subfunction ordering tables based on a desired timer function ( col. 15, lines 50-67).

Crewe discloses the method wherein said establishing builder system with a model number input, and wherein said program builder system is adapted to derive a function request input from said model number input (abstract).

### Claim Objections

2. Claims 4, 5, 6, 7, 10, 11, 14-17, 19, 20, 22, 24, 25, 27, 29, 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitation of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance: prior art fail to teach the use of number data page, a single shot timing, recycle timing, interval timing function, the use of ordering table function, status code section, ordering of subfunction code, blank code containing all zero value, a single housing encapsulating unit, fixed, adjustable code segment, blank operation parameter, is expressed in list created less than its number of incidence.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 2863

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung S Lau whose telephone number is 703-305-3309.

The examiner can normally be reached on M-F 9-5:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 703-308-3126. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-5841 for regular communications and 703-308-5841 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

TC2800 RightFAX Telephone Numbers : TC2800 Official Before-Final RightFAX - (703) 872-9318, TC2800 Official After-Final RightFAX - (703) 872-9319

TC2800 Customer Service RightFAX - (703) 872-9317

TL

  
John Barlow  
Supervisory Patent Examiner  
Technology Center 2800



**Notice of References Cited**

Application/Control No.

10/037,404

Applicant(s)/Patent Under  
Reexamination  
SOUTHWORTH ET AL.

Examiner

Tung S Lau

Art Unit

2863

Page 1 of 1

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-4,314,329 ✓	02-1982	Crewe et al.	700/12
	B	US-4,568,934 ✓	02-1986	Allgood, Marvin D.	340/870.02
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

**FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

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OCT 08 2002  
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OCT 10 2002  
TECHNOLOGY CENTER 2816

FORM PTO-829 US DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE  INFORMATION DISCLOSURE STATEMENT BY APPLICANT	Atty Docket No. 647-015.02	Serial No. 10/037,404
	Applicant Robert A. Southworth, Kenneth C. Volz, Robert C. Morris, Jr., and Dan S. Carroll	
	Filing Date January 4, 2002	

### U.S. PATENT DOCUMENTS

Exam. Initial		Document Number	Date	Name	Class	Sub Class	Filing Date
TL	AA	5,307,463	04/26/1994	Hyatt et al.	—	—	
TL	AB	5,600,711	02/04/1997	Yuen	—	—	
TL	AC	5,915,026	06/22/1999	Mankovitz	—	—	

### FOREIGN PATENT DOCUMENTS

		Document Number	Date	Country	Class	Sub Class	Translation	Abstract

### OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages Etc.)

TL	AD	903 Machine Design, Vol. 54 (1982) May, No. 11, Cleveland, Ohio, USA
Examiner	<i>Jung</i>	Date Considered 4-18-03

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.